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FM AMEMBASSY TOKYO  
TO SECSTATE WASHDC IMMEDIATE 5749  
USDOC WASHDC IMMEDIATE  
INFO AMEMBASSY MOSCOW  
AMEMBASSY BRASILIA

C O N F I D E N T I A L SECTION 01 OF 02 TOKYO 00364

DEPARTMENT FOR OES/OFA/OPA, EAP/J  
USDOC FOR NOAA ADMINISTRATOR CALIO AND FOR  
NOAA/NMFS TO PASS TO F/M321

E.O. 12356: DECL: OADR  
TAGS: [EFIS](#) [JA](#) [IWC](#)  
SUBJECT: GOJ WHALING

REF: STATE 5140

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11. (C) SUMMARY. POST DELIVERS WHALE TALKING POINTS IN REFTTEL TO GOJ OFFICIALS IN MOFA. MOFA OFFICIALS QUESTION USG CALCULATION OF GOJ QUOTA UNDER "PAST PRACTICES" FORMULA. GOJ HAS NOT MADE DECISION REGARDING ACTUAL NUMBER OF WHALES TO BE HARVESTED BY ANTARCTIC FLEET THIS SEASON, BUT GOJ AND USSR OFFICIALS HAVE EXCHANGED "EXPRESSIONS OF INTENTION" NOT TO EXCEED LAST YEAR'S HARVESTS. TOTAL COASTAL SPERM WHALE CATCH AS OF JANUARY 7 IS 106 WHALES. END SUMMARY.

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12. (C) ON JANUARY 8, REGFISHATT MET WITH SUSUMU AKIYAMA AND KENRO IINO, DIRECTOR AND DEPUTY DIRECTOR RESPECTIVELY OF THE FISHERY DIVISION OF THE ECONOMIC AFFAIRS BUREAU OF THE MINISTRY OF FOREIGN AFFAIRS (MOFA), AND DELIVERED A COPY OF THE FIVE TALKING POINTS GIVEN IN PARA 3 OF REFTTEL. BOTH INDICATED THE TALKING POINTS WOULD BE DISCUSSED FURTHER WITHIN MOFA AND WITH OFFICIALS OF THE FISHERY AGENCY OF JAPAN (FAJ). IINO NOTED IMMEDIATELY THAT FAJ OFFICIALS HAVE BEEN EMPHASIZING THE IMPORTANCE OF CONSULTATIONS REGARDING THE WHALING ISSUE WITH USG OFFICIALS. AKIYAMA STATED THAT "NO DECISION HAS BEEN MADE" IN GOJ REGARDING THE ACTUAL NUMBER OF WHALES TO BE HARVESTED IN THE ANTARCTIC BY THE JAPANESE FLEET THIS SEASON. HE MENTIONED THREE FACTORS TO BE CONSIDERED IN DECIDING AN "APPROPRIATE" HARVEST AS FOLLOWS:

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(A) THE MOST RECENT HARVEST LEVELS SET BY THE INTERNATIONAL WHALING COMMISSION (IWC) THAT HAD BEEN ACCEPTED BY GOJ (I.E., THE 1984 SEASON OVERALL QUOTA OF 3,027);

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(B) CONSULTATIONS WITH CONCERNED COUNTRIES; AND

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(C) THE FINDINGS OF THE IWC SCIENTIFIC COMMITTEE AT THE 1984 IWC MEETING.

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HE FURTHER MENTIONED HIS "PERSONAL VIEW" THAT THE MOST IMPORTANT OF THE CONSULTATIONS WOULD BE THOSE WITH THE UNITED STATES, AND THAT GOJ WOULD OFFICIALLY RESPOND LATER TO THE U.S. BELIEF THAT "THERE IS NO NEED FOR CONSULTATIONS." AKIYAMA ALSO POINTED OUT THAT JAPAN HAS NO INTENTION OF TAKING AN UNLIMITED NUMBER OF WHALES EVEN THOUGH THE FILING OF AN OBJECTION WITH THE IWC MEANS GOJ IS NOT BOUND TO ANY SPECIFIC QUOTA.

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13. (C) AKIYAMA SAID THAT GOJ AND THE SOVIET UNION HAVE EXCHANGED "EXPRESSIONS OF INTENTION" TO CONDUCT THIS SEASON'S WHALING FOR MINKE WHALES IN THE ANTARCTIC IN SUCH A WAY THAT THE TOTAL CATCH WILL NOT EXCEED LAST SEASON'S HARVEST LEVELS OF 3,027 WHALES FOR JAPAN AND 3,028 WHALES FOR THE SOVIET UNION. AKIYAMA NOTED THAT THE EXCHANGE OF INTENTIONS WITH THE SOVIET UNION CORRESPONDED TO THE ARRANGEMENT REACHED BETWEEN THE USSR, GOJ, AND BRAZIL REGARDING LAST SEASON'S ANTARCTIC HARVEST, A

COPY OF WHICH IS ON FILE WITH THE IWC SECRETARIAT.

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14. (C) SEVERAL QUESTIONS WERE POSED REGARDING THE TALKING POINTS:

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(A) IINO REFERRED TO THE LAST TALKING POINT, AND POINTED OUT THAT PAST PRACTICE ESTABLISHES A 1984/85 HARVEST OF 342 WHALES FOR BRAZIL INSTEAD OF THE 376 USED BY THE USG. AKIYAMA THOUGHT THAT THE 376 FIGURE PROBABLY INCLUDES THE TEN PERCENT IWC MARGIN OF ERROR THAT IS ALLOWED FOR WHALING IN AREA II, BUT HE POINTED OUT THAT PAST PRACTICE OF THE USSR/GOJ/BRAZIL AGREEMENTS HAS BEEN NOT TO PROVIDE FOR ANY MARGIN OF ERROR FOR THE HARVEST IN AREA II. THUS, IN THE 1983/84 SEASON THE FIVE PERCENT MARGIN OF ERROR ALLOWED BY THE IWC FOR AREA II WOULD HAVE ALLOWED A BRAZILIAN HARVEST OF 630 MINKE WHALES, BUT THE GOJ/USSR/BRAZIL ARRANGEMENT LIMITED BRAZIL'S HARVEST TO 600 WHALES. SIMILARLY, FOR THE 1984/85 SEASON, BRAZIL WILL HARVEST 342 WHALES IN AREA II, NOT 342 PLUS TEN PERCENT, OR 376 WHALES. ACCORDINGLY, GOJ'S QUOTA UNDER THE IWC GUIDELINES SHOULD BE 1,941 MINKE WHALES, NOT 1,924. AKIYAMA AND IINO WANTED TO BE SURE THAT THE USG REALIZED THAT A "PAST PRACTICE" CALCULATIONS WOULD ALLOW GOJ A HARVEST QUOTA OF 1,941 FOR THIS SEASON.

(B) THE FISHERY DIVISION OFFICIALS ALSO ASKED FOR USG CLARIFICATION OF THE REFERENCE IN THE SECOND TALKING POINT TO THE NOVEMBER 13, 1984, LETTER OF THE SECRETARY OF COMMERCE REGARDING THE PHRASE "IN EXCESS OF THE 1984/85 QUOTA FOR SOUTHERN HEMISPHERE MINKE WHALES." IN PARTICULAR, GOJ WANTS TO KNOW IF GOJ IS SAFE FROM THE THREAT OF CERTIFICATION UNDER THE PACKWOOD AMENDMENT TO THE MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT (MFCMA) IF GOJ HARVESTS FOR ANTARCTIC MINKE WHALES DO NOT EXCEED A CEILING OF 1,924 (OR 1,941) WHALES. FURTHER ELABORATION ON THE SAME QUESTION WAS RAISED WITH THE COMMENT THAT USSR AND GOJ WHALERS BOTH OPERATE IN AREAS 4 AND 6 BUT ONLY GOJ OPERATIONS OCCUR IN AREA 5. AS A RESULT, AKIYAMA AND IINO WONDERED IF THE TALKING POINTS WERE ONLY REFERRING TO AN OVERALL ANTARCTIC QUOTA FOR GOJ OF 1,924 (OR 1,941) OR WHETHER THE QUOTA FOR EACH AREA WOULD BE EXAMINED IN ANY USG EVALUATION OF WHETHER MINKE CATCH LIMITS ARE BEING EXCEEDED THIS SEASON.

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15. (U) REGARDING REFTTEL'S PARA 5, AKIYAMA CONFIRMED THAT 106 SPERM WHALES, ALL MALES, HAD BEEN HARVESTED BY THE JAPANESE COASTAL WHALING FLEET THROUGH JANUARY 7.

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CLARK